

FILED

NOT FOR PUBLICATION

MAY 19 2010

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANDREW W. SHALABY; SONIA
DUNN-RUIZ,

Plaintiffs - Appellants,

v.

NEWELL RUBBERMAID, INC.; THE
HOME DEPOT, INC.; IRWIN
INDUSTRIAL TOOL COMPANY, INC.;
BERNZOMATIC,

Defendants-cross-claimants -
Appellees,

and

WESTERN INDUSTRIES, INC.;
WORTHINGTON INDUSTRIES,

Cross-defendants - Appellees,

No. 09-56331

D.C. No. 3:07-cv-02107-MMA-
BLM

ORDER

Appeal from the United States District Court
for the Southern District of California
Michael M. Anello, District Judge, Presiding

Argued and Submitted April 7, 2010

Pasadena, California

Before: FRIEDMAN,* D.W. NELSON, and REINHARDT, Circuit Judges.

This memorandum disposition, filed on May 17, 2010, is amended as follows:

(1) The citation found on page 3, lines 8–9, should instead read as follows:

Daubert v. Merrell Dow Pharm., Inc., 509 U.S. 579, 589, 592–93 (1993).

(2) The citation found on page 5, line 3, should instead read as follows:

Stephen, 134 Cal. App. 4th at 1373.

* The Honorable Daniel M. Friedman, United States Circuit Judge for the Federal Circuit, sitting by designation.